

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:
APPLICATION OF HORNBEAM CORP.

14 Misc. 424 (VSB)

DECLARATION OF SAMUEL KADOSH

I, **SAMUEL KADOSH**, hereby declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney in the law firm Reed Smith LLP, attorneys for Movant Panikos Symeou (“Symeou”) in the above-captioned action. I submit this Declaration to place before the Court certain documents in support of Symeou’s Order to Show Cause To Intervene, To Vacate the *Ex Parte Order* and Deny Hornbeam’s 28 U.S.C. §1782 Application, and Compel Production of §1782 Subpoenas, Related Communications, and Discovery.

2. The following are true and correct copies of documents that are contained in the accompanying Appendix:

Exhibit 1: BVI Proceedings Transcript 10-13-2014

Exhibit 2: BVI Orders Dismissing Applications 09-15-2014

Exhibit 3: BVI Consent Order 11-27-2014

Exhibit 4: BVI Costs Orders 12-10-2014

Exhibit 5: Panama Hornbeam Dissolution

Exhibit 6: BVI Korf Declaration Del. ECF 6

Exhibit 7: BVI Shulman Aff. Del. ECF 6

Exhibit 8: BVI Symeou Aff. Dec. ECF 6

Exhibit 9: A Good Night's Rest article 04-13-2015

Exhibit 10: Athina Complaint D. Mass.

- Exhibit 11:** NYT Article Ukraine Oligarchs 03-07-2014
- Exhibit 12:** Postponement Correspondence DE -ECF 6 p. 831
- Exhibit 13:** ECF 3-1 Shulman Dec. 12-17-2014
- Exhibit 14:** ECF 3-2 Fay Dec. 12-18-2014
- Exhibit 15:** ECF 3-3 Campanile Dec. 12-16-2014
- Exhibit 16:** ECF 1 Hornbeam 1782 Application 12-19-14
- Exhibit 17:** Panikos Symeou Dec. 06-16-2015
- Exhibit 18:** Delaware Ex Parte Order 05-14-2015
- Exhibit 19:** Florida Ex Parte Order 02-12-2015
- Exhibit 20:** Ohio Ex Parte Order 01-06-2015
- Exhibit 21:** Nader Dec. 06-17-15
- Exhibit 22:** BVI Hornbeam Statement of Claim 09-15-2014
- Exhibit 23:** ECF 5 S.D.N.Y. Ex Parte Order 12-24-2014
- Exhibit 24:** Written Consent of Sole Member of Warren Steel 08-01-2014
- Exhibit 25:** Symeou and Marigold Approvals 08-01-2015
- Exhibit 26:** BVI Interim Inj. Order 08-29-2014
- Exhibit 27:** BVI Insolvency Rules 2005
- Exhibit 28:** BVI Civil Procedure Rules
- Exhibit 29:** Hines v. Birkbeck 3 W.R.L. 557
- Exhibit 30:** BVI First Affidavit Simon Moore 10-03-2014
- Exhibit 31:** BVI Provisional Liquidator and Liquidator Applications 10-10-2014
- Exhibit 32:** BVI Shulman Aff. Sept. 2014 DE ECF 6 p. 40
- Exhibit 33:** Bracha Shareholder Notice December 19, 2014

Exhibit 34: Halliwell's Amended Memorandum of Association and Articles of Association.

Exhibit 35: December 23, 2014 transcript

Exhibit 36: Symeou counsel letters dated June 8, 2015

Exhibit 37: Symeou counsel letter dated June 9, 2015

Exhibit 38: Hornbeam counsel letter confirming Hornbeam served subpoenas and received discovery, dated June 11, 2015

Exhibit 39: Hornbeam email dated June 12, 2015, stating Hornbeam now plans to bring U.S. proceedings

Exhibit 40: Complaint, *Bracha Foundation et al., v. Warren Steel Holdings LLC et al.*, 2015 cv 1117 (Ct. of Common Pleas, Trumbull County, Ohio, June 15, 2015) (the "Ohio Action")

Exhibit 41: Plaintiffs' Motion for Temporary Restraining Order in the Ohio Action


Exhibit 42: Plaintiffs' Motion for Preliminary Injunction in the Ohio Action

Exhibit 43: Plaintiffs' Motion for Expedited Discovery in the Ohio Action

Exhibit 44: Temporary Restraining Order entered by the Court in the Ohio Action

Exhibit 45: BVI HC (COM) *Sakraney v Eastsun Holdings Corp. & Another*. Order dated 21 February 2013.

Dated: New York, New York
June 17, 2015



Samuel Kadosh